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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

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11 NICHOLAS SILVERIA,

12 Plaintiff(s),

13 v.

14 NYE COUNTY, NEVADA, et al.,

15 Defendant(s).

Case No.: 2:18-cv-00207-MMD-NJK

Order

[Docket No. 31]

16 “A scheduling order is not a frivolous piece of paper, idly entered, which can be cavalierly
17 disregarded by counsel without peril. The district court’s decision to honor the terms of its binding
18 scheduling order does not simply exalt procedural technicalities over the merits of [the parties’]
19 case. Disregard of the order would undermine the court’s ability to control its docket, disrupt the
20 agreed-upon course of the litigation, and reward the indolent and the cavalier.” *Johnson v.*
21 *Mammoth Recreations, Inc.*, 975 F.2d 604, 610 (9th Cir. 1992) (internal citation and quotations
22 omitted). “The use of orders establishing a firm discovery cutoff date is commonplace, and has
23 impacts generally helpful to the orderly progress of litigation, so that the enforcement of such an
24 order should come as a surprise to no one.” *Cornwell v. Electra Cent. Credit Union*, 439 F.3d
25 1018, 1027 (9th Cir. 2006).

26 In this case, the discovery cutoff expired two months ago on August 6, 2018. Docket No.
27 18. The parties previously filed a stipulation to extend the discovery cutoff, which the Court denied
28 for failing to establish good cause. Docket No. 26. In direct contradiction of the Court’s orders,

1 the parties have nonetheless continued to engage in discovery after the cutoff. *See, e.g.*, Docket
2 No. 31 at 2 (“[t]he responses to Plaintiff’s Interrogatories were originally due on August 17, 2018”
3 (emphasis added)). It is not within the province of the parties to agree among themselves to
4 conduct discovery after the cutoff set by the Court. *See Fed. R. Civ. P. 29(b)*. The fact that the
5 parties’ engagement in untimely discovery in violation of the Court’s orders renders it difficult for
6 them to comply with the deadline to file dispositive motions is simply not good cause to extend
7 that deadline.

8 The stipulation to extend the dispositive motion deadline (Docket No. 31) is therefore
9 **DENIED**. As a one-time courtesy to the parties, the Court will **EXTEND** the deadline to file
10 dispositive motions to October 12, 2018. **NO FURTHER EXTENSIONS WILL BE**
11 **GRANTED**.

IT IS SO ORDERED.

Dated: October 4, 2018

Nancy J. Koppe
United States Magistrate Judge